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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/254,474	03/05/99	NITTA	1422-371P

IM22/1024  
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EXAMINER

DOUYON, L

ART UNIT	PAPER NUMBER
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1751

6

DATE MAILED: 10/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/254,474

Applicant(s)

JITTA ET AL

Examiner

LORNA M. DOUYN

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on JULY 24, 2000.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 5-10, 13-19 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 5-10, 13-19 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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1. This action is responsive to the amendment filed on July 24, 2000.
2. The cancellation of claims 1-4 is acknowledged. This renders moot the objection to these claims.
3. The rejection of claims 2, 4, 5, 8, 9, 10 and 13 under 35 U.S.C. 102(a) as being anticipated by WO 99/00475 is withdrawn in view of applicants' arguments.
4. The rejection of claims 1 and 3 under 35 U.S.C. 103(a) as being unpatentable over WO '475 as applied to the above claims is withdrawn in view of applicants' arguments.
5. Claims 5-10, 13, 14, 16, 18, 19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Barletta et al. (US Patent No. 4,919,847), hereinafter "Barletta" for the reasons set forth in the office action in paper number 4.
6. Claims 5-10, 13, 15, 17, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barletta.

Barletta teaches the features as disclosed in paper number 4. Barletta, however, fails to disclose an example wherein the molar ratio of sulfuric acid to alkylbenzene sulfonic acid is within those recited.

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It should be noted that Barletta teaches in col. 5, lines 26-29 that the concentration of the dodecylbenzene sulfonic acid is from 80 to 100% with 0 to 20% sulfuric acid, hence, a *prima facie* case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976; *In re Woodruff*, 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.05I.

7. Claims 5, 6, 8-10 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadsen et al. (US Patent No. 5,527,489), hereinafter "Tadsen".

Tadsen teaches a process for preparing a high-density granular detergent product by dry neutralizing alkylbenzene sulfonic acid with a particulate mixture of a water-soluble alkaline inorganic material, for example, sodium carbonate, and a hydratable inorganic detergent builder in an apparatus which provides both mixing and shearing of the particulate mixture thereby forming the granular detergent product (see abstract). Tadsen also teaches that the alkylbenzene sulfonic acid can be made by the oleum sulfonation or  $\text{SO}_3\text{-SO}_2$  sulfonation of alkylbenzene and contains from about 85% to about 98% sulfonic acid active, from about 0.5 to about 12% sulfuric acid and from about 0% to about 5% water (see col. 10, lines 4-11). Tadsen also teaches that after the complete addition of the alkylbenzene sulfonic acid, other optional detergent materials can be added to the resultant detergent granules which include free flow aid such as crystalline or amorphous alkali metal aluminosilicate (see col. 11, lines 18-29). The granular detergent composition made by this process has a bulk density of from about 600 g/l to about 1000 g/l (see

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col. 11, lines 43-58) and comprises from about 5% to about 50% by weight alkylbenzene sulfonate (see col. 3, lines 34-53). Tadsen, however, fails to disclose an example wherein the dry-neutralization step is carried out in the presence of 0.1 to 1.0 mol of sulfuric acid per mol of alkylbenzene sulfonic acid.

It would have been obvious to one of ordinary skill in the art to reasonably expect the molar ratio of sulfuric acid to alkylbenzene sulfonic acid to be within those recited because Tadsen teaches in col. 10, lines 6-8 that the alkylbenzene sulfonic acid material can contain from about 85% to about 98% sulfonic acid active and from about 0.5% to about 12% sulfuric acid.

### ***Response To Applicants' Arguments***

8. Applicant's arguments filed on July 24, 2000 have been fully considered but they are not persuasive.

With respect to Barletta, Applicants allege that the disclosure of Barletta best relates to an invention where an anionic synthetic organic detergent acid is reacted with a neutralizing agent to produce a corresponding detergent salt in a liquid or slurry state and the neutralized detergent salt in its liquid or slurry state is absorbed with particulate solid carrier particles such as bentonite in order to produce a detergent salt-carrier composition in particulate form. Applicants then argue that this is completely different from the inventive process being instantly claimed and is incapable of anticipating or rendering the same obvious. Applicants also argue that in Example 3 of

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Barletta, the molar ratio of dodecylbenzene sulfonic acid to sulfuric acid is 1:0.25 and the composition is outside the scope of the instant pending product claims.

The Examiner respectfully disagrees with the above arguments because of the following reasons. While it is true that Barletta relates to an invention where an anionic synthetic organic detergent acid is reacted with a neutralizing agent to produce a corresponding detergent salt in a liquid or slurry state and the neutralized detergent salt in its liquid or slurry state is absorbed with particulate solid carrier particles such as bentonite in order to produce a detergent salt-carrier composition in particulate form, this is only one embodiment of the invention. In the abstract, Barletta also teaches that "instead of employing aqueous or liquid neutralizing agents, powdered solids may be used, in which case the neutralization and absorption functions may take place in the same zone and be effected by the same materials, such as alkaline builders, e.g., sodium carbonate. With respect to Example 3, the molar ratio of dodecylbenzene sulfonic acid to sulfuric acid is within those recited, i.e., 1:0.25, hence the resulting composition should have an anionic surfactant and inorganic salt content as those recited.

9. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 305-3599 - for Official After Final faxes

(703) 305-7718 - for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

October 23, 2000

*Lorna M. Douyon*  
Lorna M. Douyon  
Primary Examiner  
Art Unit 1751